

REMARKS

The Office Action mailed June 23, 2006 has been received and reviewed. Claims 1 through 19 are noted therein as currently pending in the application. Claims 7, 8 and 10 through 19 were withdrawn from consideration as drawn to non-elected groups, and accordingly have been canceled herein. Claims 1 through 6 and 9 are currently under consideration and each stands rejected. Claims 1, 3 and 5 have been amended, claim 4 has been canceled and new claims 20 through 27 have been added. Reconsideration of the application as amended herein is respectfully requested.

Drawings

Drawing Figures 3, 5A, 5B and 6 were objected to in the Office Action for being too dark to examine. Corrected drawing sheets containing Figures 3, 5A, 5B and 6 are provided herewith. Applicant submits that these corrected drawing figures address the objections. Should any further correction be required, applicant will provide formal drawings.

35 U.S.C. § 102(b) Anticipation Rejections

Claims 1, 2 and 9 were rejected in the Office Action as assertedly being anticipated under 35 U.S.C. § 102(b) by U.S. Patent 5,303,859 to Jenkin. ("Jenkin"). Applicant respectfully submits that, as amended, such claims define over Jenkin.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The Office Action states that "Jenkin discloses a shotgun sling mounting apparatus comprising a grommet form a relatively thin, flexible material (it is noted that Jenkin discloses the that the grommet can be formed of any suitable material and the term flexible is a relative term in that any material has a certain amount of flexibility)" (Office Action at page 3). An examination of Jenkin shows that it discloses a device quite different from the instant invention. The present application is directed to a shotgun sling adaptor that may

be removably placed over the magazine tube of a shotgun and retained thereon by a stock magazine tube cap, without modification to the shotgun. By contrast, Jenkin, discloses a multiple ring structure which engages the gun barrel as well as the magazine tube and may include adhesives for “permanent securement” (see, Jenkin, column 4, at the paragraph beginning on line 41). In the Abstract, Jenkin describes its disclosed mounting apparatus as:

A first support ring is arranged for positioning about a forward threaded portion of a magazine tube to complementarily engage a bottom surface of the associated gun barrel, wherein a second ring is arranged for locked engagement with the first ring upon directing the associated magazine tube cap into abutting relationship with locking spheres mounted in a projecting relationship relative to the forward walls of the second support ring.

By contrast, amended claim 1, recites the elements of a “grommet formed of a relatively thin, resiliently elastic material **having an annular opening with a diameter less than an outside diameter of a magazine tube which receives an end of a magazine tube of a shotgun by slightly stretching to fit over the magazine tube** and sized to be held relative to the magazine tube by a stock magazine cap” (emphasis added). Support for this amendment may be found in paragraph [0020] of the as-filed application. Since amended claim 1 discloses elements not present in Jenkin, it is requested this rejection be withdrawn and amended claim 1, with claims 2 and 9 dependent therefrom, be allowed.

Applicant notes that new independent claim 20 similarly contains elements not disclosed in Jenkin, including “a grommet formed of a relatively thin, flexible material **configured to be held directly against the forend of a magazine tube by a stock magazine cap**” (emphasis added). Support for this claim may be found at paragraph [0020]. Similarly, new claims 26 and 27 contain elements not disclosed in Jenkin, including “a cutout relief, such that no part of the sling adaptor contacts a barrel of the shotgun upon installation”, support for these claims may be found at paragraph [0022] of the as-filed application.

35 U.S.C. § 103(a) Obviousness Rejection

Claims 4-6 were rejected in the Office Action as assertedly being unpatentable

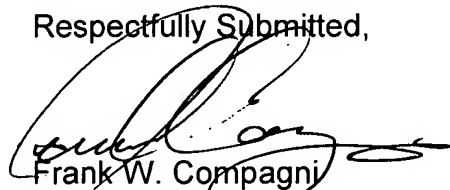
under 35 U.S.C. § 103(a) over Jenkin. Claim 4 has been canceled and claims 5 and 6 depend from amended claim 1. The Office Action states that "Jenkin discloses the claimed invention except for the specific material" (Office Action at page 3). Applicant respectfully submits that amended claim 1 contains elements not disclosed in Jenkin. Since such elements form no part of the modification of the teachings of Jenkin suggested in the Office Action, it is requested this rejection be withdrawn.

Claim 9 was rejected in the Office Action as assertedly being unpatentable under 35 U.S.C. § 103(a) over Jenkin in view of U.S. Patent 6,799,607 to Friedline. The Office Action states that the rejection is "over Jenkin as applied to claim 1 above" (Office Action at page 4). As discussed in detail previously herein, independent claim 1 contains elements that are not taught or suggested in Jenkin. Accordingly, applicant respectfully submits that claim 9 is similarly allowable and requests this rejection be withdrawn.

CONCLUSION

All pending claims are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Office determine that additional issues remain which might be resolved by a telephone conference, the Examiner is respectfully invited to contact Applicant's undersigned attorney.

Respectfully Submitted,



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IN THE DRAWINGS:

Applicant submits herewith proposed corrections to Figures 3, 5A, 5B and 6 of the drawings. Specifically, as these drawing figures were objected to in the Office Action for being too dark to examine, corrected drawing sheets containing the figures provided herewith. Should any further correction be required, applicant will provide formal drawings. Applicant respectfully requests approval of the corrections to the drawings.